

**DECLARATION AND POWER OF ATTORNEY**

In re Application of: **Howard Bernstein, Donald E. Chickering, III, Eric K. Huang, Sridhar Narasimhan, Shaina Reese, and Julie A. Straub**

As a below named inventor, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names. We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"SUSTAINED RELEASE PHARMACEUTICAL FORMULATION FOR INHALATION,"** the specification of which:

☐ is attached hereto.

☒ was filed on **September 30, 2003** as Application Serial No. 10/675,874

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. We do not know and do not believe that the same was ever known or used by others in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the date of this application. We further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *We understand that we have a duty of candor and good faith toward the Patent and Trademark Office,* and we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Filing Date | Priority Claimed Under 35 USC §119 | |
|-----------------|---------|-------------|------------------------------------|----|
| | | | YES | NO |
| | | | | |
| | | | | |

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

| Application No. | Country | Filing Date | Priority Claimed Under 35 USC §119 | |
|-----------------|---------|--------------------|------------------------------------|----|
| | | | YES | NO |
| 60/414,951 | US | September 30, 2002 | X | |
| | | | | |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Country | Filing Date | Status: |
|-----------------|---------|-------------|------------------------------|
| | | | Patented, Pending, Abandoned |
| | | | |
| | | | |

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.


POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

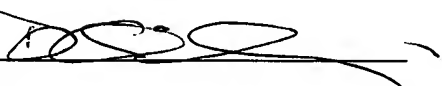
Peter G. Pappas – Reg. No. 33,205; Daniel J. Warren – Reg. No. 34,272; William L. Warren – Reg. No. 36,714; Malvern U. Griffin III – Reg. No. 38,899; Robert A. Lester – Reg. No. 24,004; Kevin W. King – Reg. No. 42,737; Jerry C. Liu – Reg. No. 47,754; John D. Hamann - Reg. No. 45,527; Mark E. Henderson - Reg. No. 51,144; William R. Silverio - Reg. No. 45,383; Charlena L. Thorpe - Reg. No. 48,035; Russell A. Korn - Reg. No. 54,236; Elizabeth Cary Miller - Reg. No. 54,708; Kathryn H. Wade - Reg. No. 54,682.


Send correspondence to: Kevin W. King, Esq.
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996

Customer No. **29052**

Direct telephone calls to: (404) 853-8068

| | | | |
|--|---|--------------|-------------------|
| Full name of first inventor: | Howard Bernstein | Citizenship: | <u>Canada</u> |
| Inventor's signature |  | Date: | <u>10-17-2003</u> |
| Residence and Post Office Address: 33A Trowbridge Street, Cambridge, Massachusetts 02138 | | | |

| | | | |
|---|---|--------------|-----------------|
| Full name of second inventor: | Donald E. Chickering, III | Citizenship: | <u>US</u> |
| Inventor's signature |  | Date: | <u>10/17/03</u> |
| Residence and Post Office Address: 3 Holly Way, Framingham, Massachusetts 01701 | | | |

| | | | |
|--|---|--------------|-----------------|
| Full name of third inventor: | Eric K. Huang | Citizenship: | <u>US</u> |
| Inventor's signature |  | Date: | <u>10/17/03</u> |
| Residence and Post Office Address: 13 Pine Hill Circle, Waltham, Massachusetts 02451 | | | |

| | | | |
|--|---------------------|--------------|-----------------|
| Full name of fourth inventor: | Shaina Reese | Citizenship: | <u>US</u> |
| Inventor's signature | <u>Shaina Reese</u> | Date: | <u>10/17/03</u> |
| Residence and Post Office Address: 174 Summer Street, Apt. #11, Arlington, Massachusetts 02474 | | | |

| | | | |
|---|---------------------------|--------------|-----------------|
| Full name of fifth inventor: | Sridhar Narasimhan | Citizenship: | <u>India</u> |
| Inventor's signature | <u>Sridhar Narasimhan</u> | Date: | <u>10-17-03</u> |
| Residence and Post Office Address: 32 Beulah Street, Apt. #4, Framingham, Massachusetts 01701 | | | |

| | | | |
|--|------------------------|--------------|-----------------|
| Full name of sixth inventor: | Julie A. Straub | Citizenship: | <u>US</u> |
| Inventor's signature | <u>Julie A. Straub</u> | Date: | <u>10-17-03</u> |
| Residence and Post Office Address: 100 Cambridge Street, Winchester, Massachusetts 01890 | | | |